

### **Remarks/Arguments**

Applicant wishes to thank the examiner for the courteous telephone interviews held in December. Claim 1 has been amended such that the center portion of the disk is downwardly contoured to 70% of the overall diameter of the disk. Support for this amendment can be found in figure 6 of the application as filed, where the overall diameter is 5.75" and the diameter of the downward sloping portion is 4.0" or 70% of the overall diameter. Claims 3, 4, 9-12 have been cancelled without prejudice. Claim 5 has been amended to limit the attachment means on the disk. Support for this amendment can be found on page 6 last paragraph of the specification as originally filed.

Upon entry of this amendment, Claims 1,2 and 5-8 will be pending in the application.

Reconsideration of the captioned application in view of this amendment is respectfully requested.

### **The Objections under 35 U.S.C. 112 Have Been Overcome**

Claim 6 was objected to for a lack of antecedent basis. Applicants have amended claim 1 to include a central contour and an exterior contour. Withdrawal of the objection is respectfully requested.

### **The Rejections under 35 U.S.C. 102 Have Been Overcome**

*Claims 1, 2, 4, 9 and 12 stand rejected under 35 U.S.C. §102 (e) as being anticipated by United States Patent Application No. 2003/0045200 to Tamg et al. ("200").* Applicants respectfully submit that the '200 patent does not teach or suggest an animal exercise disk having a central portion that is downwardly contoured up to 70% of the overall diameter of the disk, which transitions in the exterior portion of the disk to slope upwardly therefore this rejection under 35 U.S.C. §102 has been overcome and should be withdrawn in light of the amended claims.

Claims 1, 4 and 9 stand rejected under 35 U.S.C. §102 (b) as being anticipated by United States Patent No. 5,799,616 to McClung III ("616"). Applicants respectfully submit that the '616 patent does not teach or suggest an animal exercise disk having a central portion that is downwardly contoured up to 70% of the overall diameter of the disk, which transitions in the exterior portion of the disk to slope upwardly therefore this rejection under 35 U.S.C. §102 has been overcome and should be withdrawn in light of the amended claims.

*Claims 1 – 4, 6 - 9 and 12 stand rejected under 35 U.S.C. §102 (b) as being anticipated by United States Patent No. 4,212,131 to Ross, Jr. ("131").* This patent, cited by the Examiner, does not teach or suggest an animal exercise disk having a central portion that is downwardly contoured up to 70% of the overall diameter of the disk and upwardly contoured on the exterior portion of the disk therefore this rejection under 35 U.S.C. §102 has been overcome and should be withdrawn in light of the amended claims.

Claims 1, 4, 5, 7, 9 and 12 stand rejected under 35 U.S.C. §102 (b) as being anticipated by United States Patent No. 3,454,760 to Wilson ("760"). Applicants respectfully submit that the '760 patent does not teach or suggest an animal exercise disk having a central portion that is downwardly contoured up to 70% of the overall diameter of the disk, which transitions in the exterior portion of the disk to slope upwardly therefore this rejection under 35 U.S.C. §102 has been overcome and should be withdrawn in light of the amended claims.

Claims 1, 2, 4, 9 and 12 stand rejected under 35 U.S.C. §102 (b) as being anticipated by United States Patent No. 3,272,731 to Farhi et al. ("731"). Applicants respectfully submit that the '731 patent does not teach or suggest an animal exercise disk having a central portion that is downwardly contoured up to 70% of the overall diameter of the disk, which transitions in the exterior portion of the disk to slope upwardly therefore this rejection under 35 U.S.C. §102 has been overcome and should be withdrawn in light of the amended claims.

Claims 1, 3, 4, 6, 7 and 9 -12 stand rejected under 35 U.S.C. §102 (b) as being anticipated by United States Patent No. 6,578,526 to Hull ("526"). Applicants respectfully submit that the '526 patent does not teach or suggest an animal exercise disk having a central portion that is downwardly contoured up to 70% of the overall diameter of the disk, which transitions in the exterior portion of the disk to slope upwardly therefore this rejection under 35 U.S.C. §102 has been overcome and should be withdrawn in light of the amended claims.

Claims 1, 2, 8 and 9 stand rejected under 35 U.S.C. §102 (b) as being anticipated by United States Patent No. 5,6742,101 to Saloor ("101"). Applicants respectfully submit that the '101 patent does not teach or suggest an animal exercise disk having a central portion that is downwardly contoured up to 70% of the overall diameter of the disk, which transitions in the exterior portion of the disk to slope upwardly therefore this rejection under 35 U.S.C. §102 has been overcome and should be withdrawn in light of the amended claims.

*Claims 1, 2 and 7 stand rejected under 35 U.S.C. §102 (b) as being anticipated by United States Patent No. 5,360,363 to Levin ("363").* Applicants respectfully submit that the '363 patent does not teach or suggest an animal exercise disk having a central portion that is downwardly contoured up to 70% of the overall diameter of the disk and upwardly contoured on the exterior portion of the disk. The Levin disk does not transition in the exterior to slope upwardly therefore this rejection under 35 U.S.C. §102 has been overcome and should be withdrawn in light of the amended claims.

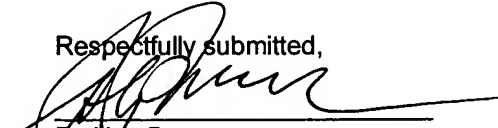
*Claims 1, 2, and 7 - 9 stand rejected under 35 U.S.C. §102 (b) as being anticipated by United States Patent No. 3,999,519 to Rodemeyer ("519").* Applicants respectfully submit that the '519 patent does not teach or suggest an animal exercise disk having a central portion that is downwardly contoured up to 70% of the overall diameter of the disk and upwardly contoured on the exterior portion of the disk therefore

this rejection under 35 U.S.C. §102 has been overcome and should be withdrawn in light of the amended claims.

**Conclusion**

Applicants believe that the present amendment places the case in condition for allowance. Applicants therefore respectfully request entry of this amendment and passage of the claims to allowance.

Respectfully submitted,

  
\_\_\_\_\_  
R. Alan Bonner

February 22, 2005